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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 14, 2009

TO: Joe Helfrich, Team Lead, En Sci III, Reclamation Biologist *JH*
James D. Smith, Permit Supervisor, En Sci III, Reclamation Hydrologist *DS 03/14/09*

FROM: Peter Hess, En Sci III / Engineering *PHH by SDS*

RE: Bath House Parking Lot Expansion, Hiawatha Coal Company, Bear Canyon Mine, C/015/0025, Task ID # 3097

SUMMARY:

The Permittee submitted an application to the Division on May 22, 2008 (Task ID # 2978) to increase the size of the Bear Canyon Mine employee parking area (located SW of the shower house facility). The proposed increase in disturbed area is 0.36 acres. The area is immediately adjacent to the existing parking lot area. The TID # 2978 application was returned for failure to pass the initial review for completeness.

A series of re-submittals and reviews of the application did not receive a recommendation for approval from the Division.

The Permittee responded to the Division's Task ID # 3016 deficiency review on December 9, 2008. The review of that response has been identified as Task ID # 3066.

This technical memorandum will address the adequacy of the Permittee's response to Task ID # 3016.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Analysis:

R645-301-526.200; Utility Installations and Support Facilities. “The Permittee must update the MRP to show the additions that they made to the surface facilities”. The proposal will permit a paved flat area which will be used for employee parking. This is not a structure; Appendix 5-A does not need to be updated to include the start dates and estimated completion dates for the parking lot area.

Findings:

The Permittee’s response adequately addresses the requirements of R645-301-526.200.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Affected Area Maps

Mining Facilities Maps

The following deficiency was identified during the review of Task ID #3066:

R645-301-521.151, “the Permittee must provide the Division with a map that clearly indicates sufficient slope measurements or surface contours to adequately represent the existing land surface configuration of the proposed permit area for at least 100 feet beyond the limits of the mining disturbance.”

The Permittee submitted a revised **PLATE 2-3B, Reclamation “Area”**, which shows the extended plan view topography of the proposed parking lot expansion. Cross-section E-E’ located on Page 5I-78 has also been included with the Task ID # 3066 response.

Cross section E-E’ does not appear to have enough slope to direct intercepted precipitation to the disturbed area ditch reporting to sediment pond “C”. Section C-C’ does show a positive slope of the area to be paved toward pond “C”.

The increase in the disturbed area for this expansion is 0.36 acres.

Table 2-7 Reclamation Area Summary, (page 2-34) has been updated to reflect this addition of the 0.36 acres (total disturbance @ Bear Canyon = 40.64 acres).

Certification Requirements

The Task ID # 3016 deficiency response generated the following:

R645-301-512.100, Surface Facilities and Operations: "The Permittee must provide the Division with a certified copy of Plate 5-2B, Surface Facilities."

The Permittee's response states that the Permittee will provide P.E. certified copies of all maps submitted with the Task ID # 3066 application upon approval by the Division.

R645-301-542.300; Final Surface Configuration Maps. "The Permittee must provide the Division with a certified copy of Plate 2-3B, Reclamation Area."

The Permittee's response states that the Permittee will provide P.E. certified copies of all maps submitted with the Task ID # 3066 application upon approval by the Division.

Plate 2-3B, Reclamation Area, shows the boundary or disturbed area perimeter about the proposed parking lot area.

The currently approved mining and reclamation plan contains PLATE 5-6B, POST-MINING TOPOGRAPHY. This map shows a plan view, with "anticipated" final surface configuration contours (at 2 foot intervals) for the area associated with the parking lot bath house expansion. Although the disturbed area boundaries are not identical on the two maps, the final surface configuration shown on PLATE 5-6B can be mentally extrapolated to include the final surface configuration which would include the parking lot expansion.

PLATE 5-6B, POST-MINING TOPOGRAPHY is P.E. certified by Mr. Mark Reynolds, Utah registered professional engineer. The Division date of incorporation for this map is November 3, 2005.

This is a very small amount of new disturbance. The Permittee may submit P.E. certified "as built" maps for the surface facilities after completion of the construction activities for the parking lot expansion.

Findings:

The Task ID #3097 application should be conditionally approved pending receipt of clean copies and the following "as-built" or "as-constructed" maps, which are required to be P.E. certified:

1) **Plate 5-2B, Surface Facilities** ("as-built") for the Shower House / Parking Lot Expansion area.

When these items are received, the Division can give final approval of the Task ID # 3066 application.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

General

The Division completed a mid-term permit review of the C/015/025 mining and reclamation plan which included an update / evaluation of the reclamation bond amount.

Form of Bond

The amount of bond posted for the Bear Canyon Mine (in 2005 dollars) by C.W. Mining Company (doing business as CO-OP Mining Company) is \$ 1,825,000. This is a surety bond held by Lyndon Property Insurance Company.

Determination of Bond Amount

The Division's reclamation costs for the Bear Canyon site have been determined in the amount of \$ 1,731,000, (2013 dollars). This amount includes updated asphalt removal and disposal as well as backfilling / grading and revegetation costs.

Findings:

The Task ID # 3097 application, Bath House Parking Lot Expansion, should be given a conditional approval.

Clean copies of the text and a P.E. certified PLATE 5-2B, SURFACE FACILITIES for the "as-built" must be submitted.

At that time, final approval is recommended.